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| 09/751,113      | 12/29/2000  | Tomoko Terakado      | 208366US6 CONT      | 6754             |

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EXAMINER

SAJOUS, WESNER

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AD

**Office Action Summary**

Application No.

09/751,113

Applicant(s)

TERAKADO ET AL. *TD*

Examiner

Wesner Sajous

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33,34 and 36-357 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33,34 and 36-357 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This communication is responsive to the amendment and response filed on September 19, 2002. by this amendment, claims 35, 58, 72, 85, and 97 are canceled without disclaimer and claims 33, 36, 37, 47-49, 53-56, 59, 73-74, 83, 86-87, 95, 98-99 are amended. As a result, claims 33-34, 36-357, 59-71, 73-84, 86-96, and 98-101 are presently pending.

#### ***Response to Amendment/Arguments***

1. With respect to the 35 USC 112 2<sup>nd</sup> rejections to claim 47, it is noted that the rejections are obviated by the Applicants' amendment to the claim. Consequently, the rejections are withdrawn.
2. Applicant's arguments with respect to claims 33-101 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

- I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 33-34, 36-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Kunkel (5961603).

Considering **claims 33 and 37**, Schein, fig. 1, discloses or renders obvious most claimed features of the invention as set forth in the previous office action, paper No. 7; however, Schein fails to specifically suggest that the additional information is advertisement information included in the information received by the electric apparatus.

Nevertheless, Kunkel, in the same field of endeavor, discloses a television interface access system using URL information through a user television in a TV distribution network enables a user to access and view information related to the programming content of a currently received television programming (i.e., EPG), and/or other information related to programs and advertisements being broadcasted [by the TV distribution network] (i.e., electric apparatus). See abstract and columns 1-6.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Schein by incorporating the step-- additional information related to advertisement information included in the information received by the electric apparatus--, as taught by Kunkel, because such modification would provide the TV schedule system of Schein with the enhanced capability of combining satellite and cable distribution system with the Internet in a convenient, user-friendly manner to provide TV viewers with access to information from the Internet (see col. 1, lines 33-38).

In **claim 34**, the claimed “additional information is an EPG... by the electric apparatus” is met by col. 5, lines 1-5.

In **claim 36**, the claimed “advertisement information includes coupon information” would have been obvious over Schein col. 5, lines 31-37, since the advertisement could have been in the form of pop-up ads or overlay, and may include coupon information.

In **claim 37**, the claimed “advertisement information includes URL information” would have been obvious over Schein col. 5, lines 31-37 in view of Kunkel (abstract), since the advertisement information could be downloaded over the Internet through a web site address.

As per **claim 38**, the claimed “selecting unit for selecting information...wherein the memory is configured to store the information selected by the selection unit” is met by fig. 1, item 22 and 28.

As per **claims 39-40**, the underlying features are noted to have functions that can be performed by the prior art, when the remote controller 22 is used to communicate signals to either TV 12 or VCR 13 as a second electric apparatus, with the second storing, transmitting, selecting are functions performed between the remote control and the VCR.

As per **claim 41**, it is noted that since device 14 in Schein operates as PC and can accesses the Internet, such can be connected with a network incorporating a server, as an industry standard. Thus, claim 41 would have been obvious over Schein.

In **claims 42 and 44**, the claimed “notifying unit for notifying a user of reception... transmitted in response to an instruction that was issued from the control device” is met by fig. 1, item 12, by means of coordinator 14.

Re **claim 43**, the claimed “control device instructs the electric apparatus to transmit the additional information” is characterized by fig. 1, items 22/14.

As per **claims 45 and 46**, the claimed “output means outputs that part of the additional information which relates to a current channel reception of the electric apparatus ... from a present time onward” is obviously met by the functions performed by devices 12/14 of fig. 1.

Considering **claim 47**, Schein, fig. 1, discloses or renders obvious most claimed features of the invention as set forth in the previous office action, paper No. 7; however, Schein fails to specifically suggest that the additional information is advertisement information included in the information received by the electric apparatus.

Nevertheless, Kunkel, in the same field of endeavor, discloses the means and characteristics for the underlying claimed features. See abstract and columns 1-6.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Schein by incorporating the step-- additional information related to advertisement information included in the information received by the electric apparatus--, as taught by Kunkel, because such modification would provide the TV schedule system of Schein with the enhanced capability of combining satellite and cable distribution system with the Internet in a

convenient, user-friendly manner to provide TV viewers with access to information from the Internet (see col. 1, lines 33-38).

The invention of **claim 48** recites features substantially the same or equivalent in functions to method **claim 47**, and rejected for the same reasons and rationale set forth for claim 47 above.

The invention of **claim 49**, although slightly different, it recites the underlying steps of the features of claim 33. As the various features of claim 33 have been shown to be obvious over the Schein's disclosure it is readily apparent that the apparatus disclosed by the prior art performs the recited underlying functions. As such, claim 53 are rejected for the same reasons and rationale as claim 33, and incorporated herein. It must be understood that the first and second receiving steps performed by the remote controller when communicating signals to the electrical apparatus (e.g., the television or the VCR) upon interaction by a user.

Re **claims 50-52**, the claimed "electric apparatus is a personal computer; a television receiver, a recording apparatus" is obviously met by devices 14/20, 12, 13.

The invention of **claim 53**, although slightly different, it recites the underlying steps of the features of claim 49. As such, claim 53 are rejected for the same reasons and rationale as claim 49, and incorporated herein.

The invention of **claim 54**, although slightly different, it recites performing functions equivalent to claim 53 and is similarly rejected.

The invention of **claim 55**, although slightly different, it recites performing functions equivalent to claim 48 and is similarly rejected.

III. Claims 56-57, 58-71, 73-84, 86-96, 98-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Kishtaka (6084643), and further in view of Kunkel.

Considering **claims 56-57, 58-69**, the combination of Schein with Kishtaka render obvious most claimed features of the invention as set forth in the previous office action, paper No. 7; however, Schein and Kishtaka fail to specifically suggest that the additional information is advertisement information included in the information received by the electric apparatus.

Nevertheless, Kunkel, in the same field of endeavor, discloses the means and characteristics for the underlying claimed features. See abstract and columns 1-6.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Schein and Kishtaka by incorporating the step-- additional information related to advertisement information included in the information received by the electric apparatus--, as taught by Kunkel, because such modification would provide the TV schedule system of Schein and Kishtaka with the enhanced capability of combining satellite and cable distribution system with the Internet in a convenient, user-friendly manner to provide TV viewers with access to information from the Internet (see col. 1, lines 33-38).

The invention of **claims 70-71, 73-84, 86-96, and 98-108**, although slightly different, they recite the underlying steps for the features of claims 56-69, respectively.

Art Unit: 2676

As the various features of claims 56-69 have been shown to be obvious in view of the collective teachings of the Schein, Kishtaka, and Kunkel, it is readily apparent that the apparatus disclosed by the prior art perform the recited underlying functions. As such, the limitations recited in claims 70-108 are rejected for the same reasons and rationale given above for claims 56-69, and incorporated herein.

### **Conclusion**

The prior art considered pertinent to the Applicants' disclosure are as recited in the PTO-892 form.

**Any response to this action should be mailed to:**

**Box**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, **(for technology center 2600 only)**

**Or:**

(703) 308-5359 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Art Unit: 2676

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

*Wesner Sajous - WOS*

**September 25, 2002**

*Matthew C. Bella*

Matthew C. Bella  
Primary Examiner